

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

HOWARD E. MARTIN, III,

Petitioner,

:

v.

Case No. 2:22-cv-4423  
Judge Sarah D. Morrison  
Magistrate Judge Karen L.  
Litkovitz

WARDEN, CHILLICOTHE  
CORRECTIONAL  
INSTITUTION,

:

Respondent.

**ORDER**

On May 8, 2023, the Magistrate Judge issued a Report and Recommendation recommending the Court deny Petitioner Howard E. Martin, III's 28 U.S.C. § 2255 Motion. (R&R, ECF No. 16; *see* ECF No. 11-2.) The Magistrate Judge explains that Mr. Martin is a person in state custody who must proceed under 28 U.S.C. § 2254. (R&R.) Mr. Martin also filed a § 2254 Petition. (ECF No. 11-1.)

Although Mr. Martin was advised of the right to file objections to the Magistrate Judge's Report and Recommendation, and of the consequences of failing to do so (R&R, PageID 132–33), no objections have been filed. The Report and Recommendation is **ADOPTED** and **AFFIRMED**. For the reasons set forth therein, Mr. Martin's § 2255 Motion is **DENIED**.

**IT IS SO ORDERED.**

/s/ Sarah D. Morrison  
**SARAH D. MORRISON**  
**UNITED STATES DISTRICT JUDGE**